

Notice of Allowability

Application No.

09/905,535

Examiner

N. Bhat

Applicant(s)

TAKATSU, SEIKO

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing date of 7-13-2001.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 13 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Art Unit: 1761

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steele on August 20, 2003.

The application has been amended as follows:

In the Claims:

Claim 1, line 5, and delete "them up"

line 6 delete "product" insert --jellied paste--

Claim 2, line 9, and delete "product" insert --jellied paste--

Claim 3, line 4, after "least one" insert --of said--; delete "among" insert --the group consisting of--

line 5, delete "the said"

line 6-7, delete "them up"

line 8, delete "product" insert --jellied paste--

Claim 4, line 9, delete "up"

line 10, delete "product" insert --jellied paste--

Claim 5, line 10, delete "them up" insert --the same--

line 15, delete "product" insert --jellied paste--

Claim 6, line 5, delete "among" insert --the group consisting of--

Claim 6, line 6, delete "the said"

Art Unit: 1761

line 7, delete "them up"

line 11, delete "again", delete "product" and insert --jellied paste--

Claim 7, line 2, delete "among" and insert --the group consisting of--

line 5, delete "product" insert --jellied paste--

Claim 8, line 2, delete "among" insert --the group consisting of--

line 4, delete "product" insert --jellied paste--

Claim 9, line 2, delete "among" and insert --the group consisting of--

line 4, delete "product" insert --jellied paste--

Claim 10, line 2, delete "among" and insert --the group consisting of--

line 5, delete "product" insert --jellied paste--

Claim 11, line 2, delete "among" and insert --the group consisting of--

line 5, delete "product" insert --jellied paste--

Claim 12, line 2, delete "among" and insert --the group consisting of--

line 5, delete "product" insert --jellied paste--

Claims 13-16, delete "material" insert --filling--

2. The following is an examiner's statement of reasons for allowance:

The invention relates to a method of making a sweet jellied paste and the product by process which includes the steps of restoring or rehydrating dried fruit by immersing the dried fruit in water so as to obtain a restored fruit or hydrated fruit and immersion water; adding to and agar liquor either the restored fruits and immersion water or strained restored fruits which is then mixed; followed by kneading the above mixture to form a jellied paste. The method further includes

limitations wherein a flour or bean is added to the restored fruit and agar solution and then processed into a jellied paste. The method as claimed has not been taught either singularly or in combination by the prior art. Specifically, the step of adding the rehydrated fruit and immersion liquid to an agar solution, which is the mixed and kneaded into a paste or jellied product has not been taught by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guidarellie teaches a process of soaking soybeans, roasting the soaked soybeans, grinding and adding a fruit extract to the soybeans to provide a paste. There is no teaching to add a gel or agar as claimed. Fischer et al. teach a beverage composition, which includes luo han berries, or luo han fruit; the fruit is known to have high sugar content. Morimoto teach a process of infusing dried fruits by coating the dried fruits with an edible humectant containing gel. Hoshino et al. teach a method for producing tonyu. Otsuki teach a process of preparing a bean jam by soaking adzuki beans or other beans in water and then applying a high voltage to the beans to product a bean jam and stock. Walsh teaches a method for manufacturing dried legumes into quick cooking whole bean and bean paste products. Margoldis teaches a method for producing a reconstitutable dehydrated food. Phillips teaches a process of making

Art Unit: 1761

moist, shelf-stable blueberry products by immersing the blueberries in two baths the first of sugar syrup and the second bath containing an aqueous food acid, following removal from the bath the blueberries are rinsed and dried and pasteurized. None of the references teach re-hydrating dried fruit in an immersion liquid, followed by adding the restored fruit or rehydrated fruit and immersion liquid to an agar solution, followed by kneading the mixture into a jellied paste.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 703-308-3879. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.



N. Bhat
Primary Examiner
Art Unit 1761